

**TOWN OF BOWDEN
PROVINCE OF ALBERTA
BYLAW 03-2017**

BEING A BYLAW OF THE TOWN OF BOWDEN, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR LICENSING OF BUSINESSES OPERATING WITHIN THE TOWN OF BOWDEN

Whereas the Council of the Town of Bowden deems it necessary to provide for the regulation and licensing of all Business carried on within the municipality,

And whereas, Sections 7 and 8 of the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto, gives the Council authority to pass such a Bylaw.

Now therefore, the Council of the Town of Bowden, in the Province of Alberta, duly assembled and under the powers conferred upon it by the authority of the Municipal Government Act RSA 2000, Chapter M-26, and amendments thereto enacts as follows:

1) Title:

This Bylaw may be cited as the “Business Licence Bylaw”

2) Definitions:

In this Bylaw, the following terms mean:

- a) **Act** means the Municipal Government Act RSA 2000, Chapter M-26, and amendments thereto.
- b) **Applicant** means a person who applies for a business licence or renewal of a business licence required by this bylaw.
- c) **Auctioneer** means any person who sells or offers for sale, by public or private auction, any real or personal property.
- d) **Business** means a commercial merchandising or industrial activity or undertaking; a profession, trade, occupation, calling or employment, or an activity providing goods or services whether or not for profit, and however formed, including a cooperative or association of persons.
- e) **Business Licence** means a licence to be issued, pursuant to this bylaw, for the purpose of licencing any business operating within the Town.
- f) **Business Premises** means the store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any person for the purpose of any business.
- g) **Bylaw Enforcement Officer** means any person employed by the Town as a Bylaw Enforcement Officer or Peace Officer, and may act as a licence inspector.
- h) **Charitable or Non-profit Organization** means any person, association, or body corporate engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, all the resources of which are devoted entirely to charitable activities and not for a profit or gain and which does not confer a monetary or other benefit on its member or directors.
- i) **CAO** means the Chief Administrative Officer of the Town as defined in Section 1(1)(c) of the Municipal Government Act, RSA 2000 c.M-26 and amendments thereto, and includes any person to whom the Chief Administrative Officer’s powers are delegated or any person appointed to act in the absence of the Chief Administrative Officer.
- j) **Council** means the municipal Council of the Town of Bowden as defined in Section 1(1) (e) of the Municipal Government Act, RSA 2000, c.M-26 and amendments thereto.
- k) **Farmers’ Market** means an open air or fully or partly covered market, for the sale of goods directly by the producers or their representatives who are involved in the production of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.

- l) **Fee** means the monetary amount levied on each application for a business license per the Master Rates Bylaw, as may be amended from time to time.
- m) **Flea Market** means the carrying on of a business to organize a group of more than three (3) merchants, vendors or participants, to gather in one location or building to offer handcrafts, produce and vegetables, food, new and used goods, wares, merchandise or services for sale for time periods of seven (7) days or less in duration.
- n) **Garage Sale** means the displaying and offering for sale of five (5) or more items of goods, wares, or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private residential property.
- o) **Hawker or Peddler** means a person who, whether as principal or agent:
 - i. goes from house to house selling or offering for sale any merchandise or service, or both, to any person and who is not a wholesale or retail dealer in that merchandise or service;
 - ii. offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality to the customer;
 - iii. sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of business; or
 - iv. does not have a permanent place of business in the municipality.
- p) **Home Occupation and Home Based Business** means a business carried on as a secondary use of a dwelling unit and/or its accessory buildings, by at least one of the permanent residents of such a dwelling. This category would include, but not be limited to, any use of telephone, computer, work or storage space, or the manufacture of articles to conduct the business.
- q) **Land Use Bylaw** means the Town of Bowden Land Use Bylaw and any amendments thereto.
- r) **Licence** means a licence granted by the Town entitling the person to whom it is granted to carry on the business specified therein in the Town of Bowden.
- s) **Licencee** means a person holding a valid licence issued pursuant to the provisions of this Bylaw.
- t) **Mobile Vendor** means any person selling goods, food, amusements or services from a mobile motor vehicle, trailer, or similar structure that is designed for offering the sale of goods, food, or services.
- u) **Municipal Ticket** means a form prescribed by the CAO, or his designate, allowing payment to the Town of the penalty specified by this Bylaw for an offence, which shall be accepted by the Town in lieu of prosecution of that offence.
- v) **Non-resident** means a person who is not a resident within the Bowden Postal Code T0M 0K0.
- w) **Non-resident Business** means any business which does not locate or maintain a permanent place of business within the Bowden Postal Code T0M 0K0.
- x) **Person** means a natural person or a body corporate, and includes a partnership, a firm, an association or other group of persons acting in concert.
- y) **Principal Contractor** means the business of accepting contracts for a service, construction, alteration and repair of buildings or structures of any kind and the person or firm engaged in such business, and is responsible for the day-to-day oversight of a construction site, management of vendors and trades, and communication of information to involved parties throughout the course of a building project.
- z) **Resident** means a person who:
 - i. resides within the Bowden Postal Code T0M 0K0, or
 - ii. provides the space and services including office area, telephone, facsimile, and/or computer from premises that are listed on the Town of Bowden Tax Roll, or

- iii. has a development permit issued to him under the Land Use Bylaw, or
 - iv. satisfies the Bylaw Officer that he intends to carry on business within the Town of Bowden for not less than six months.
- aa) **Resident Business** means any business which locates or maintains a permanent place of business within the Bowden Postal Code T0M 0K0 regardless of where normal business transactions take place.
 - bb) **Sub-contractor** means the business or person engaged in providing services for a portion of a contract from a Principal Contractor or another sub-contractor.
 - cc) **Temporary Business** means a commercial or industrial business activity, a profession, trade, occupation, or an activity providing goods or services, where the duration of the business activity is equal to or less than four (4) consecutive weeks.
 - dd) **Town** means the Municipal Corporation of the Town of Bowden in the province of Alberta, and/or the area contained within the corporate boundaries of the said municipality, as the context may require.
 - ee) **Trade Show** means a group of five or more persons as a single location for a period of not more than seven (7) days, displaying to the public the types of goods, wares, merchandise, food or services that they have available for sale.

3) Application of Bylaw:

Every licensee shall conform to the provisions of this Bylaw and of all other Bylaws applicable to the business, or business location in respect of which such licence was issued.

4) Appointment, Powers and Duties of the Bylaw Officer:

- a) The CAO or his/her designate shall carry out the terms of this Bylaw.
- b) The powers and duties of a Bylaw Officer are to:
 - i. administer this Bylaw and as far as practicable to see that all persons concerned conform to its provisions and to prosecute or assist to prosecute persons who fail to comply,
 - ii. investigate complaints lodged against a licence and, if necessary, inspect the premises or location described in the complaints and to recommend revocation of any licence issued or, to levy fees or penalties pursuant to this Bylaw.
 - iii. issue a Municipal ticket to any person alleged to have breached any provision of this Bylaw. The Municipal ticket shall require the payment to the Town of Bowden the specified penalty according to Schedule A.

5) Application Process:

- a) Every application shall be made in accordance with the appropriate forms as provided in Schedule B of this Bylaw:
 - i. for a new Business licence,
 - ii. to amend a Business licence,
 - iii. to transfer a Business licence to another person, and
 - iv. to renew a Business licence.
- b) An Applicant shall not submit any information that is false, misleading, or inaccurate.
- c) A Licensee shall apply to the Town for an amendment to the Business licence if there is a change in:
 - i. the Business location
 - ii. the Owner of the Business,
 - iii. the contact information of the Business

- iv. the Business name
 - v. the type of Business
- d) Should a Business cease to carry on the Business for which a Business Licence has been granted, the Licencee shall immediately notify the Town.

6) Approval, Refusal, Suspension, and/or Revocation:

- a) The CAO, or designate shall approve and issue a Business Licence to any Business, following the submission of an application as required by this Bylaw, which complies with this Bylaw and all other Bylaws of the Town of Bowden, and any other statues or regulations.
- b) The CAO may refuse to issue or renew a Business Licence, may suspend or revoke a Business Licence and may impose any conditions on a Licence for the following reasons:
 - i. the applicant or Licencee does not, or no longer meets the requirements of this Bylaw with respect to the licence applied for or held,
 - ii. the applicant or licencee or any of its officers or employees furnishes false information or misrepresents any fact or circumstance to the CAO or a Bylaw Officer, or has, in the opinion of the CAO or a Bylaw Officer contravened this Bylaw whether or not the contravention has been prosecuted,
 - iii. in the opinion of the Bylaw Officer based on reasonable grounds, it is in the public interest to do so.
- c) Any business for which a Business Licence application has been refused, or any Business where an existing Business Licence has been revoked, shall cease operations immediately upon notification of the refusal or revocation by the CAO.
- d) When a notice to revoke a Business licence is given, it shall have attached to it in writing the reason for revocation.
- e) Upon request by a Health Authority or Building Inspector to do so, the CAO shall suspend the Business Licence(s) of an licenced premises concerned and shall not reinstate such Business Licence(s) until the Health Authorities or Building Inspector certifies that the premises concerned are again fit to be used.
- f) With respect to complaints relating to a business or a business' operation, if, in the sole opinion of Council, municipal resources are being disproportionately allocated to monitor and police said business, that Business Licence shall be immediately revoked.

7) Appeals:

- a) Where an application for a licence has been refused, or where an existing licence has been revoked, suspended, or issued subject to conditions, the applicant or licencee as the case may be, is entitled to appeal to Council the refusal or revocation of the licence.
- b) The applicant or licencee, as the case may be, shall have fourteen (14) days from the date of refusal, revocation, suspension or issuance subject to conditions, in which to appeal to Council, in writing; otherwise, the right of appeal shall be barred and extinguished.
- c) Council shall hear the appeal within seven (7) days of receipt and shall give forty-eight (48) hours' notice of the hearing in writing to the appellant.
- d) Council, after hearing an appeal, may:
 - i. direct a Business Licence be issued without conditions
 - ii. direct a Business Licence be issued with conditions, or
 - iii. uphold the decision of the CAO on grounds which appear just and reasonable to Council.
- e) A decision of Council on an appeal is final and binding on all parties.

8) Display and Production of Licence:

- a) Every Licence issued under this Bylaw shall be made out and delivered to the Licencee who shall put up the licence in a conspicuous place in the business premises.
- b) Every Licencee who holds a licence under this Bylaw which is not limited to specific premises, shall, so long as the licence is in force, have immediately available the licence or a copy thereof and such licence shall, upon request, forthwith produce same to the Bylaw Office, any police officer, or other duly authorized person, or any person with who he is doing business to which the licence relates.

9) Duration of Licence:

Every licence issued under the provisions of this Bylaw shall terminate at midnight on the 31st of December of the year in which said licence was issued unless:

- a) the licence provides otherwise, or
- b) the licence has been sooner cancelled or forfeited.

10) Fees:

Fees levied on each application for a business license are per the Master Rates Bylaw, as may be amended from time to time.

11) Land Use and Development Control:

The issuance of a Business Licence under this bylaw does not constitute development approval under the Town Land Use Bylaw. The holder of an existing business licence or an applicant for a Business Licence is responsible for obtaining such development approval as may be necessary. Where such approval cannot be obtained, the CAO shall forthwith cancel any existing Business Licence and refuse any further similar application.

12) Licence Requirements:

- a) No person shall engage in or operate within or partly within the Town any Business described within this Bylaw, or any Non-Resident Business unless that person holds a Business licence authorizing the engagement in or operation of that Business and having paid the required fee per the Master Rates Bylaw, as may be amended from time to time.
- b) It is the responsibility of the Applicant to obtain and hold valid Provincial and Federal licences, permits, approvals, clearances and/or insurances.
- c) It is the responsibility of the Applicant to obtain and hold a valid development approval(s) where necessary.
- d) Where a Business operates at more than one Business Premises, each Business Premises requires a separate Business Licence.
- e) Where more than one Business operates at one Business Premises, each Business requires a separate Business Licence
- f) A Business Licence shall not be issued:
 - i. if the Applicant fails to provide all the information required or requested under this Bylaw, or
 - ii. to any Applicant not properly in compliance with Municipal statute, regulation or Bylaw.
- g) A Business Licence is not valid until it has been signed by the CAO or designate.

13) Exemptions:

- a) Any business exempted from the requirements of municipal licensing by any Statute of Canada or the Province of Alberta.
- b) Any business carried on or operated by any person on any grounds directly associated with the annual Bowden Days Rodeo that are directly supervised and controlled by the Bowden and District Agricultural Society,
- c) Material delivery operations,
- d) Individuals under the age of 18 to the discretion of the Bylaw Officer;
- e) Charitable or Non-profit organizations registered under the Alberta Societies Act;
- f) Chinook's Edge School Division No. 73 for business related to the normal operation of their educational system;
- g) Residential garage sales, provided that the sale takes place on a residential property where that property owner, or primary resident when referring to residential rental properties, directly supervises and controls the sale to a maximum of four (4) weekends per calendar year;
- h) For a non-resident business that supplies bulk goods or services to a licensed resident business for the purpose of resale;
- i) A newspaper and flyer delivery person who delivers the product to a house or business,
- j) Any other Business exempted through, or by order of Council.

14) Provisions for Hawkers, Peddlers and Mobile Vendors:

- a) No person shall carry on business as a Hawker, Peddler or Mobile Vendor in public or private property with the boundary of the Town unless a business licence is granted.
- b) A business licence issued to a Hawker, peddler or Street Vendor of foodstuffs shall be withheld until the Applicant has produced appropriate permits, licences or certificates from Federal and/or Provincial Health authorities.

15) Provisions for Farmers' Markets, Flea Markets and Trades Shows:

- a) A business licence for a Farmers' Market, Flea Market or Trade Show is required for the organizing entity only. All other individual vendors partaking in the Market are not required to obtain a business licence.
- b) Every applicant must co-operate with the Bylaw Officer to ensure that all required inspections, including building, fire and health inspections, are conducted as required.
- c) Every applicant for a Business Licence, for a Market or Trade Show to be located on property owned by the Town of Bowden shall file with the Town proof of insurance of Commercial General Liability coverage subject to limits of not less than one million dollars (\$1,000,000) inclusive per occurrence for bodily injury, death and damage to property

16) Severability:

- a) Each separate provision of this Bylaw shall be deemed independent of all other provisions, and,
- b) Should any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then that provision may be severed and all other provisions of this Bylaw shall remain valid and enforceable

17) Amendments to Schedules:

Town Council may by bylaw amend Schedules A and B from time to time as required.

18) Effective Date of Bylaw and Repeal of Existing Bylaws:

- a) This Bylaw repeals Bylaw 07/2003 and any other previous Business License Bylaw upon final passing of Bylaw 03-2017.
- b) This Bylaw shall come into effect upon third and final reading.

READ A FIRST TIME THIS 24TH DAY OF APRIL, 2017.

READ A SECOND TIME THIS 24TH DAY OF APRIL, 2017.

READ A THIRD TIME AND FINALLY PASSED, THIS 23RD DAY OF MAY, 2017.

Mayor Robb Stuart

CAO James Mason

Schedule A

Penalties

1. Any person who contravenes any provisions of this Bylaw is guilty of an offense and is liable, upon summary conviction, to a fine of not less than \$500 and not more than \$1,000 and in addition thereto, a fine of not less than \$500 and not more than \$2,500 for every day that the offence continues, and cost plus damages and in default thereof to imprisonment for a period not exceeding 60 days unless the fine and costs, including the costs of committal, are sooner paid.
2. Where any provision of this Bylaw have been deemed to be contravened and an offense has been issued for that contravention, the accused may avoid appearing in court to answer to the said charge by submitting to the Municipality a voluntary payment of 50% of the summary conviction fine fee.

Schedule B Business Licence Application



TOWN OF BOWDEN

BOX 338, 2101 – 20 AVENUE, BOWDEN, ALBERTA, T0M 0K0
Phone 403.224.3395 ♦ fax 403.224.2244 ♦ Email: info@town.bowden.ab.ca

BUSINESS LICENCE APPLICATION – BYLAW 03 - 2017

This is an application for a Business License under the provisions of the Business Licensing Bylaw 03-2017 to operate a business within the limits of the Town of Bowden. A Provincial License may or may not be required for the proposed business. The onus will be on the applicant to contact the Government Services office in Calgary by dialing 310-0000 and then asking the operator for Provincial Licensing. Business licenses are issued for the calendar year and expire at midnight December 31 of that year. If you have any questions, please contact the Town Office at 403-224-3395. **PLEASE NOTIFY THE TOWN OFFICE WITH ANY CHANGES TO BUSINESS OWNERSHIP, NAME, ADDRESS OR PHONE NUMBER.**

This information is being collected under the authority of FOIPP and will be used for Business Licensing application purposes. You should be aware that this application can and may be disclosed to members of the public in accordance with FOIPP. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIPP). The Town of Bowden may distribute the information provided on this form to organizations that in the opinion of the Town will promote economic development and more specifically would like to publish certain information provided on the Town of Bowden Business Directory found on our website

_____ I permit my business information to be made public.

_____ I do not wish to have my business information made public

THE TOWN OF BOWDEN ACCEPTS NO RESPONSIBILITY FOR BUSINESSES LOCATED ON RENTAL PREMISES THAT DO NOT HAVE THE APPROVAL OF THE PROPERTY OWNER.

NAME OF BUSINESS: _____

REGISTERED NAME: _____

TYPE OF BUSINESS: _____
(Identify Products or Services)

HOME OCCUPATION _____ LOCAL RESIDENT _____ OTHER _____
(Has a Development Permit been granted?)

DO YOU HAVE A PROVINCIAL LICENSE FROM A GOVERNMENT SERVICES OFFICE?
 IF YES, WHAT IS YOUR PROVINCIAL LICENSE NUMBER? _____

LOCATION OF BUSINESS PREMISES: _____

MAILING ADDRESS: _____ POSTAL CODE: _____

BUSINESS TELEPHONE: _____ EMERGENCY: _____ FAX: _____

WEBSITE: _____ EMAIL ADDRESS: _____

APPLICANTS NAME (PRINT): _____

APPLICANTS SIGNATURE: _____ DATE: _____

FOR OFFICE USE ONLY

Approved: _____ Refused: _____ Land-Use Classification: _____ Conforms: _____

Date of Issue: _____ Fee: _____

Signature of Licensing Officer: _____

LICENSE # _____
